

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

STS, LLC

Employer

and

Case 4-RC-20982

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 542, AFL-CIO

Petitioner

**SUPPLEMENTAL DECISION ON OBJECTIONS TO ELECTION
AND CERTIFICATION OF RESULTS**

Pursuant to a Decision and Direction of Election issued by the undersigned Regional Director on February 25, 2005, an election by secret ballot was conducted on March 24, 2005, in the unit described in paragraph 5 of the Decision.

The Tally of Ballots, copies of which were made available to the parties at the conclusion of the election, showed the following results:

Approximate number of eligible voters	72
Void ballots.....	0
Votes cast for Petitioner.....	14
Votes cast against participating labor organization	46
Valid votes counted.....	60
Challenged ballots.....	0
Valid votes counted plus challenged ballots.....	60

On March 31, 2005, the Petitioner timely filed an Objection to conduct affecting the results of the election which alleges as follows:

1. During the course of the election, campaigning took place within 22 feet of the entrance of the Voting Booth which was orchestrated and promoted by Company Officials.
 - a. Inhibiting and contaminating the free choice of voters.

The Objection was not accompanied by any supporting evidence. Section 102.69(a) of the Board's Rules and Regulations provides that a party filing Objections shall, within seven days after filing, furnish the Regional Director with the evidence

available to support its Objections. By letter dated March 31, 2005, the Petitioner was reminded of this requirement, and was requested to submit evidence in support of its Objection by the close of business on April 7, 2005. The Petitioner was advised that the evidence was to be in the form of affidavits, written statements or documents; that, if the evidence was to be presented through witnesses with knowledge of the allegation set out in the Objection, the name, address and telephone number of each witness was to be provided *in addition* to a detailed description of what they are expected to say; and that the evidence must be sufficient to constitute a prima facie showing that conduct occurred that warranted setting the election aside. The Petitioner was informed that failure to submit such evidence in support of its Objection by the deadline would result in dismissal of the Objections. *Star Video Entertainment*, 290 NLRB 1010 (1988); *Bob G. Lewis d/b/a Classic Courts*, 246 NLRB 603 (1979). In addition, the Petitioner was advised that unless such evidence was produced, the Regional Director is not required to pursue the investigation. *Mohawk Bedding Corp.*, 178 NLRB 432 (1969); *Bufkor-Pelzner*, 169 NLRB 998 (1968); *Atlantic Mills Service Corporation of Cleveland*, 120 NLRB 1284, 1288 (1988).

Despite the foregoing, no evidentiary support of the Objection was provided. Accordingly, I find that the Objection should be dismissed.

CONCLUSION

Based on the foregoing, I find that the Objection should be dismissed. As a majority of the valid votes counted has not been cast for the Petitioner, I issue the following:

CERTIFICATION OF RESULTS

Pursuant to authority vested in the undersigned by the National Labor Relations Board,

It is hereby certified that the majority of valid votes has not been cast for International Union of Operating Engineers, Local 542, AFL-CIO and that no organization is the exclusive collective bargaining representative of the employees in the following appropriate unit:

INCLUDED: All full-time and regular part-time Damage Prevention Specialists (DPSs) in the Bucks, Montgomery, Delaware, Chester and Philadelphia Counties of Pennsylvania, including those working on the FTTP project for Verizon, employed by the Employer at its facility located at 3628 Horizon Drive, King of Prussia, Pennsylvania,

EXCLUDED: All other employees, dispatchers, office personnel, mapping support personnel, claims investigators, inspectors, guards, and supervisors as defined in the Act. ¹

Signed at Philadelphia, Pennsylvania this 11th day of April, 2005.

/s/ Dorothy L. Moore-Duncan
DOROTHY L. MOORE-DUNCAN
Regional Director, Fourth Region
National Labor Relations Board

¹ Under the provisions of Section 102.69 of the Board's Rules and Regulations, a Request for Review of this Supplemental Decision may be filed with the Board in Washington, D.C. The Request for Review must be received by the Board in Washington by April 25, 2005. Under the provisions of Section 102.69(g) of the Board's Rules and Regulations, documentary evidence, including affidavits which a party has timely submitted to the Regional Director in support of its Objections and which are not included in the Supplemental Decision, are not part of the record before the Board unless appended to the Request for Review or opposition thereto which the party files with the Board. Failure to append to the submission to the Board copies of the evidence timely submitted to the Regional Director and not included in the Supplemental Decision shall preclude a party from relying upon that evidence in any subsequent related unfair labor practice proceeding.